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Prisoner Behavior, Staff Response: Using Prison Discipline Records

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Summary

Official prison misconduct records are used to test some of the assumptions inherent in previous research based upon such records. Many of these studies used prison data to measure changes in prisoner behavior, while others used them to indicate changes in the actions and attitudes of prison staff. Analysis of one prison's official discipline records over a 30-month period reveals flaws in both approaches. The same data cannot serve to draw conclusions about both groups though they can provide information about both when supplemented with other research methods. Conclusions drawn from official prison misconduct records are more reliable when used to assess the end of the prison discipline process — assessing discretionary decisionmaking by staff — than at the beginning of the process — evaluating prisoner behavior.

Additional information

This study is based on official monthly summaries of violations reviewed by the prison discipline committee that were collected over a twenty-month period (September 1978 to May 1980) at the Indiana Reformatory, a maximum security prison for adult male felons.

PRISONER BEHAVIOR, STAFF RESPONSE:
USING PRISON DISCIPLINE RECORDS

by

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ABSTRACT

Official prison misconduct records are used to test some of the assumptions inherent in previous research based upon such records. Many of these studies used prison data to measure changes in prisoner behavior, while others used them to indicate changes in the actions and attitudes of prison staff. Analysis of one prison's official discipline records over a 30 month period reveals flaws in both approaches. The same data cannot serve to draw conclusions about both groups though they can provide information about both when supplemented with other research methods. Conclusions drawn from official prison misconduct records are more reliable when used to assess the end of the prison discipline process - assessing discretionary decision-making by staff - than at the beginning of the process - evaluating prisoner behavior.

The use of official prison discipline records in correctional research has been severely criticized. These records have been used to analyze prisoner behavior, to identify unruly prisoners by type, to evaluate staff decision-making, and to assess the impact of administrative policies and environmental stress on the maintenance of order in the institution. Their use to draw conclusions about the behavior of prisoners has drawn the sharpest criticism. Whether the research relies on total infractions or on an analysis of specific violations, the flaws inherent in institutional statistics devalue the research results. Total infractions include behaviors which range in seriousness from assault or escape to use of profanity and are suspect for this reason alone, but the validity of prison records on specific infractions is also questionable. Compilations of data may be inaccurate because of carelessness or manipulation and behaviors may not be accurately labeled due to variations in definition or interpretation. The greatest flaw in prison discipline records is that they not only do not reflect unreported violations, they include only those violations where the perpetrator is identified. This would be analogous to measuring the crime rate on the basis of arrest statistics.

Arrest statistics are used to provide information about the kinds of persons involved in certain types of criminal activity, and prison discipline records have been used in a similar way. Because of unreported activity they are probably not fully indicative of the number of problem prisoners and may indicate only the characteristics of those most likely to be charged.

Bowker (1980) found official records thoroughly unreliable for examining prisoner victimization. In his study he indicated their limitations, criticized their use and suggested that "official records tell us more about the operation of the prison . . . than they do about the behavior of the prisoners" (1980:197). Their value in analyses of prison policies and decision-making seems much more reliable than their use to assess prisoner behavior.

This paper examines the utility of official prison discipline records by reviewing research which has used them as a base for studying both prisoner and staff behavior. A case study of one prison's records is then used to test some of the assumptions which underlie these studies. The following assumptions are examined:

1. Prison records can reveal causative links between prisoner behavior and environmental stress.
2. Records of specific (types of) offenses are indicative of prisoner reaction to specific types of stress (crowding).
3. Records can identify problem prisoners whose characteristics can then be analyzed.
4. Patterns of decision-making by prison personnel are revealed in official misconduct records.
5. Records reflect prison problems and changes in administrative policy.

Background of the Study

Prisoner Behavior

The literature on prison crowding contains the bulk of studies which rely on official records to assess changes in prisoner behavior. Empirical research on the impact of crowding on prisoners initially centered on the prison as an ideal field setting for investigating the link between crowding and stress and for testing the results of animal studies (Paulus et al., 1973). Subsequent studies continued to view the prison either as a representational setting or as an environment where studies of the link between crowding and prisoner misconduct could be used to predict prisoner unrest (e.g., Nacci et al., 1977).¹

Studies of prison crowding have included physical and psychological reactions as well as behavioral ones.² Paulus, McCain and Cox have, for several years, studied a variety of measures of the effect of crowding including prisoner health complaints, suicide rates, and psychiatric commitments. In a recent review of their work they state that their 10-year collection of disciplinary data shows that "infraction rates for high population years were approximately five times as great as in the low population years" (1981:51).

Megargee (1977) compared official misconduct reports at a medium security federal institution with population, space, density and uncomfortable temperatures. A significant correlation was found between population and number of reports, but not with rate of misconduct. Space and density were significantly correlated with both number and rate. He noted that the records

included all offenses from insolence to assault but used "total number of shots per month. . . as the measure of misconduct" (293).

Since total misconduct records include numerous very minor offenses, some researchers have categorized behaviors by offense severity or have selected for analysis specific offenses which they deemed more indicative of prisoner reaction to crowding or more predictive of prisoner unrest (Nacci et al., 1977; Jan, 1980). There are also flaws in this approach. One is the lack of empirical evidence establishing a link between crowding and specific human reactions to it. Another is deciding on a definition of "severity." Analyses of prisoner misconduct by Flanagan (1982) and the Harvard Center (1972) suggest that "serious" offenses constitute a very small proportion of total offenses.

Jan (1980), in a study of prison crowding, selected as one measure of disruptive behavior charges which resulted in "disciplinary confinement." He did not indicate the infractions for which this sanction was assessed. Data from other sources suggest that prison discipline committees use this disposition for both serious and minor infractions (e.g., Harvard Center, 1972; Flanagan, 1982). Other offenses deemed disruptive for his study were escapes and assaults.

Nacci et al. (1977) used official discipline records as part of their study of population density³ and prisoner misconduct in the federal prison system. They used as one measure of misconduct those infractions serious enough to come before institu-

tional discipline committees and noted that these included assault, possession of contraband, escape, and homosexuality (p. 28). No rationale for linking some of these with crowding or population density was provided, but the authors did suggest that assault data could be indicative of prisoner unrest. Because they were unable to separate assault data from the other offenses included in the official records, they collected this data from other sources. Forms asking for "frequencies of incident occurrence from July 1973 to June 1976" were "mailed to the chief correctional supervisors for distribution to custodial personnel who completed them" (p. 28). The validity of this data is open to question. No information was provided about the instrument or the response rate and there was no means of controlling for conflicting responses or multiple reports of the same incident. Their method does illustrate the problem of collecting such data from other sources.

It would have been interesting if Nacci et al. had been able to compare their responses with the official assault data. Bowker (1980) suggested that official records were most unsatisfactory for studies of assaults upon prisoners and he recommended using other sources of information including questionnaires, interviews and personal observation. For his study of prisoners as victims of assaults he interviewed prisoners rather than staff. Official records may accurately reflect the number of assaults by prisoners on staff, but underreport assaults by prisoners on one another, and do not report assaults by staff on prisoners.

Charges of assault appear to constitute a very small percentage of the total charges listed in official prison discipline records. In two studies which combined assaults with fights this combined category constituted 16% of total violations in one sample (Harvard Center, 1972) and 7.3% of the charges in another (Flanagan, 1982). These figures lend credence to Bowker's contention that official assault records are highly inaccurate, although we cannot know how many of the charges in these two studies were defined as assault.

Behaviors which are included in official discipline records can be variously defined. An assault might be interpreted as a fight or a fight as an assault depending upon the moment of observation. The correction officer who writes the charge defines the behavior and he may decide to use his discretion by reducing the charge to a less serious offense. Thus an assault may enter the records as a fight or as "creating a disturbance."

While precise definitions of behavior are less of a problem in studies of individual misconduct, they should also be considered in this research. Two jail studies were reported which used total misconduct records to examine the effects of crowding and assessed individual records as well (Bonta and Kiem, 1978; Bonta and Nanckivell, 1980). Neither study found a relationship between crowding and misconduct, but both found a correlation between misconduct and prisoner discipline history. Misconduct was not broken into offense categories for either portion of the two studies. Whether jail staff reported more of the behavior of known problem prisoners or whether problem prisoners continue to

be problems cannot be ascertained from this study.

Flanagan (1980) compared misconduct rates between long-term and short-term inmates using official records as they appeared in individual infraction histories. He noted the limitations of official data but concluded that individual histories could be used as broad indicators of institutional adjustment (p. 366). He analyzed the data by type of infraction and by infraction severity (as indicated by sanction imposed). While he found significant differences in misconduct rates between the long- and short-term inmates, Flanagan cautioned against drawing definitive conclusions and suggested further research efforts into other factors which might be associated with prisoner misconduct including staff decisions, prisoner-staff ratio and institutional policy.

Staff Response

It should be noted that formal enforcement of the prison's rules and regulations is the primary tool available to corrections officers for controlling behavior and maintaining order in the prison. The extent to which they use this tool is related to many factors, among them: prison policies, officers' perception of administrative support and their own management style. Many corrections officers develop informal techniques of control, devise extra-legal corrective measures and seldom write charges; others rely heavily on the formal prison discipline process. For every charge actually written there has been an individual decision about whether to file and how to define the behavior (Poole and Regoli, 1980; Lombardo, 1981). That these decisions are made is incontrovertible. How they are made is not fully known.

Lombardo (1981) used interviews and questionnaires to identify some of the factors related to the decision to enforce minor rules formally or informally. His case study of Auburn suggested that officers tended not to formally report specific minor infractions since only five of the officers in his sample wrote reports for infractions they defined as minor (p. 83). Though official records are mentioned as supportive of this conclusion they are not included in the study and only minor offenses from these records are mentioned. It is possible that minor infractions from official records could be used to assess line staff behavior.

Poole and Regoli (1980) used a combination of questionnaires and official records to examine role stress and custody orientation in prison guards. They found that experienced officers wrote fewer charges and that emphasis on custody results in higher rates of disciplinary actions. "[A]n increased custody orientation disposes the guards to a pattern of greater surveillance and control of inmates" (p. 224).

In 1984 Hewitt et al. reported a study of staff charging behavior in a federal drug treatment facility. They compared selected offenses from official discipline records with observed and admitted violations of these revealed through interviews with both staff and prisoners seeking a link between sex of offender and decision to charge. A wide disparity was found between observed/admitted infractions and officially recorded ones. In a separate report on the same data, Regoli (1983) concluded that in their formal enforcement officers were responding to the adminis-

tration's strong focus on drug abuse by writing up narcotics related violations, but were overlooking or dealing differently with other offenses because they did not feel the institutional administration was supportive about enforcing these regulations. This research sheds some light on the existence of unreported violations, indicates the great amount of discretion available to officers, and raises the possibility that official records are valuable tools for assessing administrative policies or for analyzing decision-making at other than line staff levels.

Heavy reliance was placed on official prison discipline records by the Harvard Center for Criminal Justice for research on disciplinary procedures at the Rhode Island prison complex (1972). The purpose of the study was to analyze the impact of court-ordered due process requirements following the outcome of Morris v. Travisono. The Center analyzed nearly 700 rule violations and dispositions and also conducted interviews and observed at disciplinary hearings. Little correlation was found between disposition and type of misconduct and a number of instances were noted where a committee member had influenced both the determination of guilt and the sanctions imposed. The due process requirements mandated for prison discipline proceedings did not appear to have much impact on the use of discretion by the committee.

Official records are valuable tools for assessing the process which follows the initial decision to charge. Discretion in this process was also studied by Flanagan (1982). He attempted to identify the factors associated with disposition decisions par-

ticularly prisoner characteristics such as race, age, marital status, prior (disciplinary) record, etc., and differences in disposition by type of institution. He found that age at admission and prior record were important factors in the disposition. He also uncovered a significant relationship between severity of offense and severity of disposition which contradicted the findings of the Harvard Center study. Explanations of this difference might be attributed to institutional variations, policy differentials and/or differing issues and pressures in the two states compared.

The value of official misconduct records to analyze or explain prisoner behavior is limited by the problem of unobserved and unreported infractions and by the possibility that the behavior has been redefined by the staff member filing the charge (by maximizing or minimizing the actual behavior). Their use to determine factors related to the outcome of charges after the filing decision has been made is more likely to provide a valid base for analysis of staff response, but even in this arena there are a number of variables which might interfere in interpretations of the data.

A Case Study of Prison Discipline Records

Research Method

Official monthly summaries of violations reviewed by the prison discipline committee were collected over a twenty-month period at the Indiana Reformatory, a maximum security prison for adult male felons. These official compilations were available from September 1978 until May 1980 when new discipline procedures

and a reordering of the rules and regulations were published. Daily activity sheets for an ensuing period were made available for the research project since no summaries were collected. Data from the "daily's" were more detailed and included disposition decisions for each charge written. The "daily's" were coded from July 1980 until June 1981 and added an additional 10 months of data to the initial 20. Neither a summary nor "daily's" were available for the month of June. The wealth of data allows comparisons with a number of different studies which were based upon official prison discipline records.

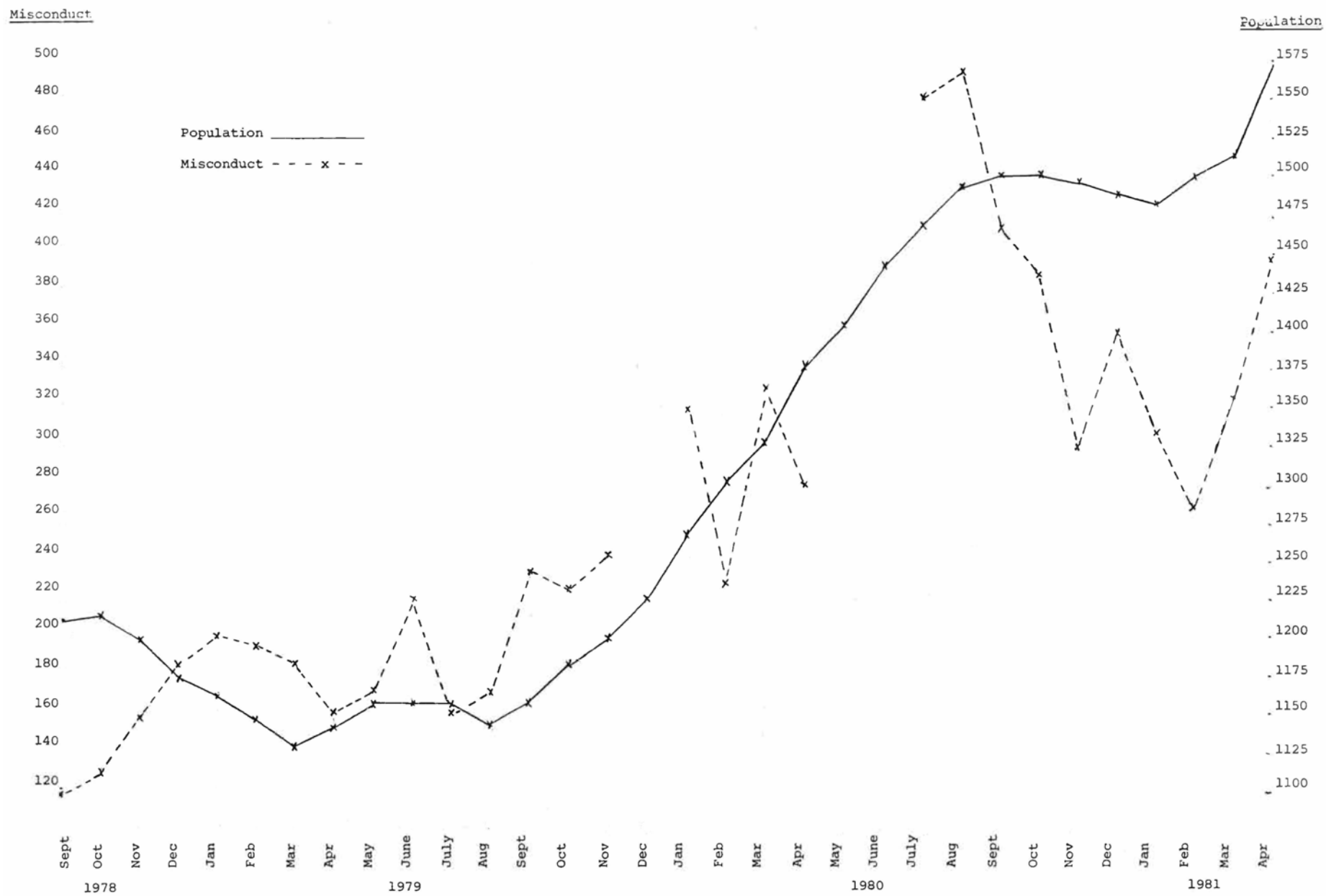
Prisoner Behavior

The prison appeared to provide an ideal setting for examining the relationship between crowding and prisoner misconduct since the prison was below official capacity in October 1978 and the population steadily declined for some months reaching its nadir in March 1979. The number of prisoners then grew to well above capacity during the remaining months of the study.

Figure 1 about here

Total violations were used as an initial measure even though they include a variety of offenses ranging from serious to minor. Megargee had noted in his study using such data that "It is trivial to demonstrate that disciplinary infractions increase when there are more men in the institution"(1977:294). It was hypothesized that the reverse would be both trivial and obvious: the number of infractions would decrease when there were fewer men in the institution. The raw data (Figure 1) did not support

Figure 1. TOTAL MISCONDUCT RECORDS
by POPULATION



this hypothesis. Indeed, during the early months the number of infractions increased as the population decreased. Although the number of total violations did begin to follow the trend downward in January 1979, compression of the data did not eliminate this lag which was not present when the population began to grow.

The steady increase in total violations peaked in August and then dropped considerably. It stayed well below this maximum even when the population began another increase. Researchers who draw conclusions from total misconduct records assume either that each category of infraction, whether major or minor, increases proportionally, or that specific offenses which are somehow related to environmental stress increase disproportionately. In order to test the second assumption we tabulated some of those "stress-associated" offenses, specifically assault, and all Class A (serious) offenses.

Figure 2 about here

Assaults constituted such a small percentage of the total infraction data that incidence is consistent with the findings of Flanagan (1982) and the Harvard Center (1972) and lends credence to Bowker's contention that it is inaccurate because of under-reporting. The raw data are presented in Figure 2 but the numbers are so small that numerical analysis was not worth computing (e.g., rate per 100 prisoners). No significant patterns emerge regarding reported assaults. The highest number of incidents was recorded during March 1979 when the population was at its lowest. Megargee (1977) included uncomfortable temperatures as one

Figure 2: ASSAULTS/Serious Infractions

Month		Avg. Daily # Reported Population	# Reported Assaults	Total # Class A Infractions	Month		Avg. Daily # Reported Population	# Reported Assaults	Total # Class A Infractions
October	1978	1205	3	12	February	1980	1299	5	7
November		1217	4	13	March		1330	9	10
December		1170	2	19	April		1381	16	19
January	1979	1161	5	5	May*		1410	*	*
February		1142	1	7	June*		1441	*	*
March		1128	18	24	July		1471	7	15
April		1140	13	14	August		1495	11	26
May		1158	7	7	September		1507	3	22
June		1157	14	22	October		1507	4	21
July		1160	3	5	November		1497	8	22
August		1139	6	8	December		1490	5	10
September		1160	6	9	January	1981	1485	5	7
October		1182	11	11	February		1501	6	16
November		1198	1	6	March		1517	5	12
December*		1223	*	*	April		1584	11	18
January	1980	1264	11	15	May		1712	14	25

* Summaries were incomplete for December 1980 and daily activity sheets were not available for May and June of 1980.

variable in analyzing prisoner behavior but the incidence of reported assaults in the Indiana prison does not reflect seasonal variations. Even if we accept the (doubtful) notion that changes in reported infractions mirror changes in unreported ones the only inference that can be made is that assaultive behavior in prisons is sporadic and situational.

Figure 2 also combines assault with other "serious" offenses using the official definition of severity (Class A offenses). In addition to assaults these are: rioting, habitual rule violator, possession of explosive or ammunition, possession of a dangerous or deadly weapon, and escape (Indiana Department of Correction, 1980:23). Here, too, no discernible pattern emerges and no association with "crowding" can be found.

All but the last ten months of this data were collected from monthly summaries of discipline reports collected by the Department of Correction. Monthly summaries were discontinued in May, 1980. The last ten months were compiled from daily activity sheets and much more information was available. However, no "dailies" were available for the month of June. While information from prisoner files is necessary to assess individual traits which are linked to misconduct as Flanagan (1980) did, our data did provide some suggestion that Bonta and Nanckivell (1980) were correct in linking misconduct to individual discipline histories.

Figure 3 about here

The ten month sample contained 4339 charges committed by 1201 prisoners for an average per prisoner of 3.6 charges for the

FIGURE 3: DISTRIBUTION OF VIOLATIONS
AMONG 1201 PRISONERS RECEIVING WRITE-UPS
7/80 - 5/81

Number of Write-ups	PRISONERS Receiving this Number of Write-ups			VIOLATIONS Accounted for by These Prisoners		
	#	%	Cum. Adj. Frequency %	#	%	Cum. Adj. Frequency %
<u>Minimal Write-ups</u>						
1	479	39.9		479	11.0	
2	190	15.8		380	8.8	
3	135	11.2		405	9.3	
4	99	8.2		396	9.1	
TOTAL	903	75.1	75.1	1660	38.2	38.2
<u>Minor</u>						
5	78	6.5		390	9.0	
6	40	3.3		240	5.5	
7	34	2.8		238	5.4	
8	33	2.7		264	6.1	
9	20	1.6		180	4.1	
TOTAL	205	16.9	92.0	1312	30.2	68.4
<u>Serious</u>						
10	12	.9		120	2.7	
11	11	.9		121	2.8	
12	18	1.4		216	4.9	
13	12	.9		156	3.6	
14	5	.4		70	1.6	
TOTAL	58	4.5	96.3	683	15.6	84.1
<u>Major</u>						
15	7	.6		105	2.4	
16	2	.2		32	.7	
17	5	.4		85	1.9	
18	3	.2		54	1.2	
19	4	.3		76	1.7	
TOTAL	21	1.7	98.0	352	7.9	92.0
<u>Chronic</u>						
20	2	.1		40	.9	
21	3	.2		63	1.5	
22	2	.1		44	1.0	
23	1	.1		23	.5	
24	1	.1		24	.5	
25	3	.2		75	1.7	
28	1	.1		28	.6	
35	1	.1		35	.8	
TOTAL	14	.92	99.0*	332	7.5	99.5*
TOTALS	1201	99.4*		4339	99.5*	

* does not total 100% due to rounding

Figure 3. Distribution of Violations Among 1201 Prisoners Receiving Write-Ups, July 1980 to May 1981
[accessible]

Minimal write-ups

Number of write-ups	Number of prisoners receiving this			Number of write-ups accounted for by		
	number of write-ups	Percent	Cum. Adj. Frequency %	these prisoners	Percent	Cum. Adj. Frequency %
1	479	39.9%	—	479	11.0%	—
2	190	15.8%	—	380	8.8%	—
3	135	11.2%	—	405	9.3%	—
4	99	8.2%	—	396	9.1%	—
Total	903	75.1%	75.1%	1,660	38.2%	38.2%

Minor

Number of write-ups	Number of prisoners receiving this			Number of write-ups accounted for by		
	number of write-ups	Percent	Cum. Adj. Frequency %	these prisoners	Percent	Cum. Adj. Frequency %
5	78	6.5%	—	390	9.0%	—
6	40	3.3%	—	240	5.5%	—
7	34	2.8%	—	238	5.4%	—
8	33	2.7%	—	264	6.1%	—
9	33	1.6%	—	180	4.1%	—
Total	218	16.9%	92.0%	1,312	30.1%	38.2%

Serious

Number of write-ups	Number of prisoners receiving this			Number of write-ups accounted for by		
	number of write-ups	Percent	Cum. Adj. Frequency %	these prisoners	Percent	Cum. Adj. Frequency %
10	12	0.9%	—	120	2.7%	—
11	11	0.9%	—	121	2.8%	—
12	18	1.4%	—	216	4.9%	—
13	12	0.9%	—	156	3.6%	—
14	5	0.4%	—	70	1.6%	—
Total	58	4.5%	96.3%	683	15.6%	84.1%

Major

Number of write-ups	Number of prisoners receiving this			Number of write-ups accounted for by		
	number of write-ups	Percent	Cum. Adj. Frequency %	these prisoners	Percent	Cum. Adj. Frequency %
15	7	0.6%	—	105	2.4%	—
16	2	0.2%	—	32	0.7%	—
17	5	0.4%	—	85	1.9%	—
18	3	0.2%	—	54	1.2%	—
19	4	0.3%	—	76	1.7%	—
Total	21	1.7%	98.0%	352	7.9%	92.0%

Chronic

Number of write-ups	Number of prisoners receiving this			Number of write-ups accounted for by		
	number of write-ups	Percent	Cum. Adj. Frequency %	these prisoners	Percent	Cum. Adj. Frequency %
20	2	0.1%	—	40	0.9%	—
21	3	0.2%	—	63	1.5%	—
22	2	0.1%	—	44	1.0%	—
23	1	0.1%	—	23	0.5%	—
24	1	0.1%	—	24	0.5%	—
25	3	0.2%	—	75	1.7%	—
28	1	0.1%	—	28	0.6%	—
35	1	0.1%	—	35	0.8%	—
Total	14	1.0%	99% *	332	7.5%	99.5% *

TOTALS	1,201	99.4% *	—	4,339	99.5% *	—
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* does not total to 100% due to rounding

period. However, nearly 1/3 of the infractions (N=1,367) were committed by 93 of the prisoners (7.7%) and fourteen of these major violators accounted for 7.5% (N=332) of the total charges by receiving 20-35 "write-ups" during the period. At the same time a substantial number of prisoners (475) had only one charge from July 1, 1980 to May 31, 1981 (39.9% of violators accounted for 11% of violations). Since a prison population is transient many of the single charges could be attributed to prisoners who were paroled in the early months or to new additions to the population in the later months.

No information on the 93 serious rule violators has been collected but their histories might provide a way of identifying variables associated with infractions including those examined by Flanagan (1980, 1982) e.g., age and length of sentence.

Our data suggest that the use of official records to assess changes in prisoner behavior is not reliable. It is particularly difficult to use them to show an association between crowding and prisoner misconduct. Neither assault rates nor "serious" offense violations reveal any connection with either falling or rising numbers in the prison population. Total violations did appear to be associated with the increase in the prison population, but most of this association was accounted for by increases in the number of charges for minor infractions. Much more research is required before we can decide whether environmental stress causes irritation among prisoners which results in more numerous infractions of minor rules or whether increased enforcement of minor rules is tied to staff concerns. Lombardo's discussion of

officer attitudes toward minor infractions suggests that the latter is at least as valid a hypothesis as the former.

Staff Response

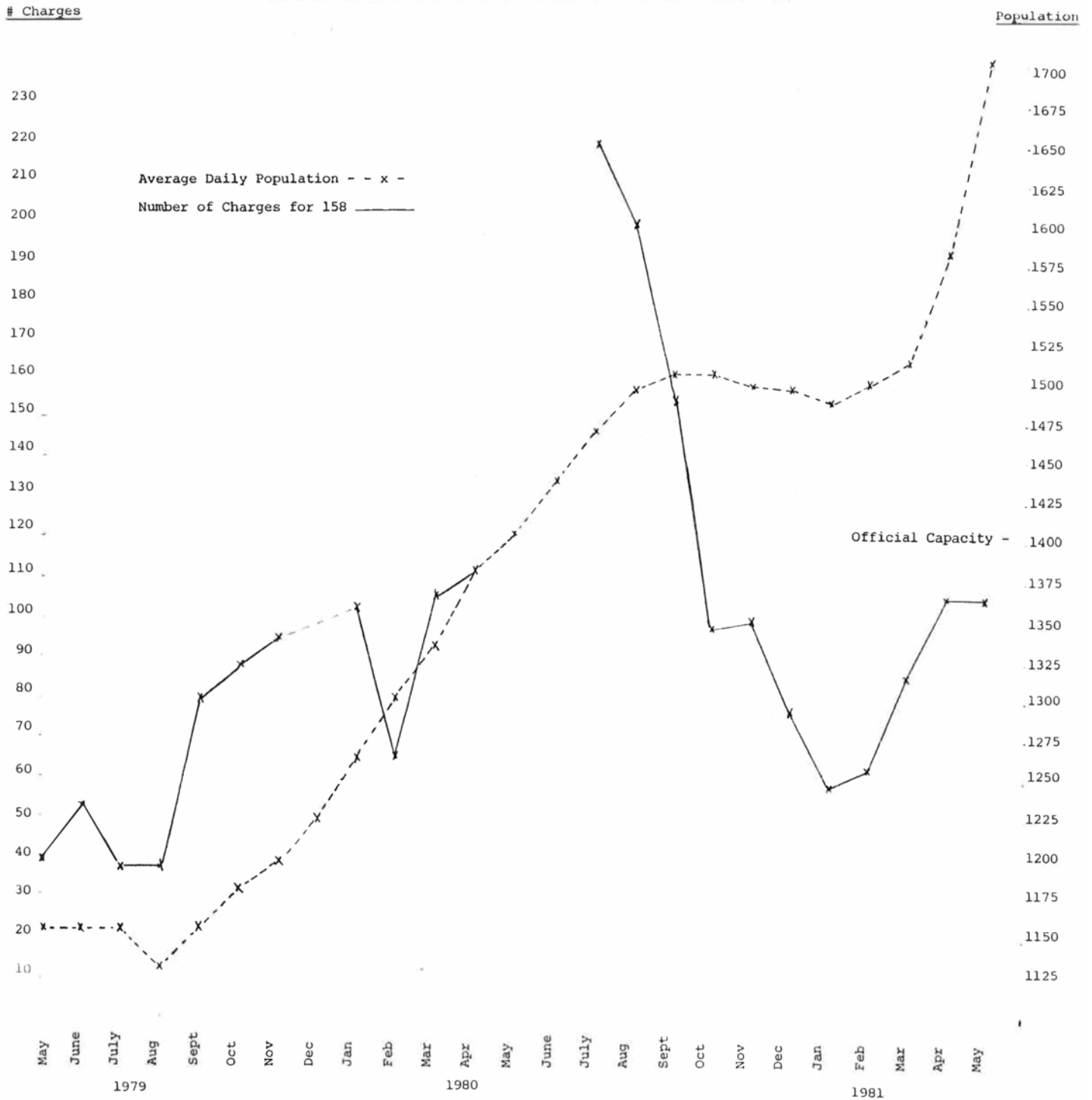
The Indiana discipline policy manual lists 21 D offenses or minor infractions. One of these, # 158, is known by officers as the "catchall" rule: "Violating any institutional rule, regulation, or standing order if said rule. . . has been communicated to the inmate" (Indiana Department of Correction, 1980:28). This infraction constituted the largest percentage of class D charges in each month of the 29 when data were available and was therefore selected for analysis.

Figure 4 about here

Figure 4 describes the raw data for this offense for two years beginning June 1, 1979 and ending June 1, 1981. The population was stable from June to September 1979 and then gradually increased. During the final year the prison was well above its official capacity. The number of charges filed under the catchall rule # 158 was relatively stable during the stable months and increased as the population grew. This was as expected since it is trivial to note that the number of charges increase when there are more men in the institution. But the rest of the research period did not follow this pattern. There was less than a 10% increase in prison population between April and July yet there was a 100% increase in charges for 158's. The # 158 charges erupted in July 1980 and they continued to be very high in August and September. Then the number began to fall as

Figure 4: Number of 158's Charged by Average Daily Population

May 7, 1979 - May 31, 1981



the population continued to increase, reaching levels below those of fall 1979. This phenomenon is worthy of some discussion.

It is tempting to assert a link between prison crowding and staff response. Lombardo (1981) associated minor rule enforcement with "personal perception of authority" (108) and with the officers' assessment of the potential impact of the behavior on themselves, on other inmates and/or "the overall atmosphere of the institution" (79). It is possible that expectations of the adverse effects of crowding led officers to assert their authority and establish themselves as firmly in control once the prison was officially "crowded" (i.e., above capacity) as it was in June 1980.⁴

Prison crowding had been much in the news in the first six months of 1980. There were 11 stories on crowding in the New York Times during this period, and in Indiana there was much speculation about the increasing number of prisoners with long sentences in the entire system. This media attention alone could have had an impact, but there were other events as well. The bloodiest American prison riot in modern history occurred in February 1980 and the riot in New Mexico was associated with crowding (Clements, 1979). It is axiomatic among prison personnel that a riot in one prison often ignites disturbances in others and there were a number of disturbances reported around the nation in succeeding months. One of these must have had a considerable impact on the officers in the prison studied. On April 17, 1980 a riot was reported in the state's other major prison where prisoners took over a cell block and hostages were

taken.

Though inmates at the case study prison were reported edgy by staff in later interviews, no serious disturbances were recalled. Officers agreed that the data probably did reflect expectations about the adverse effects of crowding and concern that the long hot summer would contribute to the possibility of trouble. The decrease in the rate of enforcement of minor rules in the autumn of the year might be attributed to cooler weather, to an easing of tension, to a stabilization of population growth, or to a conviction that the summer "crackdown" had succeeded, leaving the staff in firm control.

The use of official prison discipline records to assess the response of line staff requires more research and analysis of the data should be accompanied by interviews, close monitoring of prison events, and on-site observation. Until such research is done the association of minor rule enforcement with patterns of staff response remains speculative.

The utility of official records to examine the discretionary decision-making of the correction officer is limited. They can serve to test the validity of other methods of collecting discretion data and should be part of such research. Discretion in the discipline process which follows the filing of a charge is more likely to be revealed in official records. They are a valuable tool for evaluating disciplinary procedures and for examining the discretion of the prison discipline committee and both the Harvard Center (1972) and Flanagan (1982) successfully used offi-

cial disposition data for this purpose.

Flanagan's data was collected from sample prisoner discipline histories and is less likely to reflect the full range of discretion in the system. However, the data includes several institutions in the New York prison system which may provide a more general picture of decision-making. The Harvard Center used total discipline records collected during the summer of 1970 and monitored some of the cases through the discipline process at the Rhode Island Prison Complex.

Figure 5 about here

A comparison of the two studies shows a considerable difference in the frequency with which different dispositions were given. Figure 5 lists frequencies from these studies and the present one for comparison purposes. At the Rhode Island Prison Complex generous use was made of the disposition which results in extension of the prisoner's release date (loss of "good time," etc.) In the other two studies this disposition was much less frequently imposed. The difference may be attributed to discipline committees' responsiveness to institutional realities and administrative pressures. The Rhode Island data were collected in 1970, the Flanagan data from 1973-76, and the Indiana data in 1980-81. During this decade there were major increases in the prison population across the nation. The Rhode Island complex was below official capacity in 1973, the nearest year information was available (American Correctional Association (ACA), 1974) and the New York system was experiencing crowding in 1976 (ACA,

Figure 5: A COMPARISON OF DISPOSITION FREQUENCY

Disposition	Rhode Island Prison Complex		New York State Facilities		Indiana Prison	
	#	%	#	%	#	%
Extension of Release Date	155	18	13	2.1	250	5.7
Punitive Segregation	230	27	28	4.6	837	19.3
Referral ^a	83	10	NA		NA	
In-cell Restriction	56	6	184	29.9	1818	41.9
Loss of Privileges	88	10	112	18.3	552	12.7
Transfer	39	5	NA		6	.0
Warning/Reprimand Suspended Sentence	155	18	151	24.4	641	14.7 ^b
Other	20	2	107	17.5	78	1.7
Acquittal	36	4	20	3.2	157	3.7 ^b
TOTALS	862	100	615	100	4339	99.7 ^c

^a Referral to the classification committee. Segregation or change in custody states is implied. Neither of the other states had a similar disposition.

^b Several cases were found where a reprimand was given even when no violation was found. Coders had used their discretion in coding so some may appear in the reprimand category.

^c Does not total 100% due to rounding.

Sources: Harvard Center 1970:215; Planagan 1982:223

Figure 5. A Comparison of Disposition Frequency [accessible]

Disposition	Rhode Island Prison Complex:		New York State Facilities:		Indiana Prison:	
	Number	Percent	Number	Percent	Number	Percent
Extension of release date	155	18%	13	2.1%	250	5.7%
Punitive segregation	230	27%	28	4.6%	837	19.3%
Referral [a]	83	10%	not applicable	not applicable	not applicable	not applicable
In-cell restriction	56	6%	184	29.9%	1,818	41.9%
Loss of privileges	88	10%	112	18.3%	552	12.7%
Transfer	39	5%	not applicable	not applicable	6	0.0%
Warning/reprimand, suspended sentence	155	18%	151	24.4%	641	14.7% [b]
Other	20	2%	107	17.5%	78	1.7%
Acquittal	36	4%	20	3.2%	157	3.7% [b]
Totals	862	100%	615	100.0%	4,339	99.7% [c]

a. Referral to the classification committee. Segregation or change in custody states is implied. Neither of the other states [New York or Indiana] had a similar disposition.

b. Several cases were found where a reprimand was given even when no violation was found. Coders had used their discretion in coding so some may appear in the reprimand category.

c. Does not total to 100% due to rounding.

Sources: Harvard Center 1970: 215; Flanagan 1982: 223

1977)). The Indiana prison was above capacity for the entire ten months when dailies were coded.

Wide use of a disposition which extends prisoners' release dates can exacerbate the population problem. In Indiana appeals of this disposition to the central office were provided for in the state penal code. Representatives of the Department of Correction indicated that such appeals were rarely denied because of a desire to move prisoners through their sentences as quickly as possible when the incarceration rate was rising rapidly.⁵ When committees are not under pressure to avoid the use of this disposition they may use it more frequently, since it is considered the most severe of all sanctions available to them. When (and if) prison crowding in Indiana is relieved, another study should be done of disposition frequency.

It should be noted here that severe sanctions are permitted for all offenses whether serious or minor and extension of release date and punitive segregation are considered the most serious dispositions. Together they accounted for 45% of the dispositions in Rhode Island (55% if referral is included), but only 6.7% of the total from Flanagan's study and 25% of the Indiana total. While differences in the way data were collected and differences in the duration of the data collection period may play a role, it is likely that these differentials can be explained by the problem of crowding.

Punitive segregation requires transfer of the prisoner to a cell in the maximum restraint unit and such units have a finite

capacity. The best substitute for this sanction is in-cell restriction, a disposition assessed in only 6% of the Rhode Island cases, but in 30% of the New York cases and 42% of the Indiana ones. It is likely when there are population pressures that the more severe penalties are reserved for the more serious offenses. This would explain why Flanagan (1982) found a significant relationship between seriousness of violation and severity of sanction, while the Harvard Center found no correlation.

While it appears that institutional realities and administrative policies may impinge on the committees' broad discretion, they are free to exercise considerable discretion in specific cases. The Harvard Center concluded that committee member bias was one impediment to impartiality in the prison discipline process. Observers noted several instances where personal knowledge of the rule violator made it possible for one committee member to influence the decision of the whole. Flanagan used individual prisoner histories as his data source and was able to correlate such prisoner characteristics as age, marital status and prior discipline record with differential decision-making by the committees. The Indiana study did not include prisoner histories, nor were observations of the committee included in the study but it is possible to indicate the discretion of the committee by using official records.

While the prison discipline committee is free to assign any disposition for any offense, for some dispositions they also assign the length of time that the prisoner must serve. Variations in the duration of the penalty as well as variations

in the type of penalty assigned for different offense severity provide an illustration of the broad discretion available in the prison discipline process.

Figure 6 about here

Figure 6 illustrates length of disposition by type of offense for three dispositions where a period of time is always specified: punitive segregation, in-cell restriction, and loss of privileges. For the first two of these, duration guidelines were provided in the Disciplinary Policy Procedure manual (Indiana Department of Correction, 1980) and the recommendations are included in the table. The manual did not include loss of privileges as a disposition, yet it was frequently used. It should be noted here that the table is based on data from the total number of charges filed (4339) and that these infractions were committed by 1201 prisoners. The data include instances where multiple charges were filed arising from a single incident. In such cases the incident was dealt with; dispositions for the minor infractions were included as part of the disposition for the major one(s) and were served concurrently in most instances. This explains the assignment of three years in punitive segregation for a minor (Class D) offense which seriously skews the mean.

The figure suggests that committee members feel free to ignore departmental guidelines and impose both the disposition and the length of time to be served on a case-by-case basis. By and large the data show a trend toward mitigation of the harsh-

FIGURE 6: LENGTH (in days) BY DISPOSITION AND TYPE OF OFFENSE

Disposition and Type of Offense	# of cases	Range	Mean	Departmental Guidelines
Punitive Segregation				
Class A	127	30-1095	392.32	365-1095
Class B	389	1-365	98.53	30-180
Class C	128	2-180	40.07	15-45
Class D	193	1-1095	61.28	1-30
In-Cell Restriction				
Class A	53	2-60	35.57	Not Suggested
Class B	560	1-90	22.70	15-60
Class C	443	1-60	16.33	15-30
Class D	761	1-60	9.41	1-30
Loss of Privileges ¹				
Class A	4	7-60	27.75	NA
Class B	112	1-90	25.71	NA
Class C	139	1-60	24.38	NA
Class D	297	1-30	18.09	NA

¹ Loss of privileges is not included in the Disciplinary Procedures Manual.

Figure 6. Length (in days) by Disposition and Type of Offense
[accessible]

Disposition: Punitive segregation

Type of offense	Number of cases	Range	Mean	Departmental guidelines
Class A	127	30 to 1095 days	392.32 days	365 to 1095 days
Class B	389	1 to 365 days	98.53 days	30 to 180 days
Class C	128	2 to 180 days	40.07 days	15 to 45 days
Class D	193	1 to 1095 days	61.28 days	1 to 30 days

Disposition: In-cell restriction

Type of offense	Number of cases	Range	Mean	Departmental guidelines
Class A	53	2 to 60 days	35.57 days	Not suggested
Class B	560	1 to 90 days	22.70 days	15 to 60 days
Class C	443	1 to 60 days	16.33 days	15 to 30 days
Class D	761	1 to 60 days	9.41 days	1 to 30 days

Disposition: Loss of privileges

Note: Loss of privileges is not included in the Disciplinary Procedures Manual.

Type of offense	Number of cases	Range	Mean	Departmental guidelines
Class A	4	7 to 60 days	27.75 days	Not applicable
Class B	112	1 to 90 days	25.71 days	Not applicable
Class C	139	1 to 60 days	24.38 days	Not applicable
Class D	297	1 to 30 days	118.08 days	Not applicable

ness of the penalty. Official data cannot provide clues to the reasons for exercising discretion, but it can illustrate the committees' wide use of discretion in assigning dispositions.

Conclusion

Official Prison discipline records cannot provide all of the information needed to draw conclusions about prisoner behavior or staff response. Since total misconduct records include both major and minor infractions, such aggregate data should not be the only means used to test hypotheses about either group.

Official records have minimal value for attempts to measure the impact of environmental stress on prisoner behavior since they include only infractions where the perpetrator has been identified. This is true whether total infractions are used in the analysis or whether specific offenses are selected. Until there is empirical evidence linking specific human behaviors to specific environmental stresses even the selection of offenses for analysis is open to question. Assaults have been most frequently assumed by researchers to mirror stress. Bowker (1980) dismissed official records as useless for his study of prisoner victimization for these and other reasons. The Indiana assault data underscore his conclusion.

Other data collection methods, such as personal observation, interviews and questionnaires can contribute to our understanding of the underreporting of serious rule infractions and should be compared with official records for this purpose. If official records can be broken into categories of related offenses it may

be possible to infer causes, but such categorization is imprecise at best and unknown and unreported offenses will still impact the results.

The assumption that official misconduct records can be used to identify "problem" prisoners appears to have considerable validity and potential utility. The Indiana data identified 93 individuals (7.7% of the total population) who accounted for 1/3 of the total reported violations. Evaluations of these prisoners might provide information which can be used to establish prison policies vis-a-vis housing and job assignments and counseling and rehabilitative programs. In addition to demographic characteristics, types of violations should be included in the prisoner analysis. It is possible that certain types of prisoners attract more notice and are thus more likely to be processed, but this hypothesis, too, might be tested as more chronic violators are identified.

Since all charges are subject to the decision and definition of individual corrections officers, their discretion plays a major role in the accuracy of the official records. Thus it can be inferred that changes in the records reflect changing enforcement patterns rather than changes in prisoner behavior. Lombardo's discussion of attitudes and perceptions about minor rule enforcement among guards leads to the possibility that changes in the enforcement of minor infractions is a clue to correction officer activity and is only coincidentally related to prisoner behavior, thus behavior which poses a threat to institutional security and order may "cause" changes in enforcement

activity. This assumption may prove to be valid. The changes noted in enforcement of Indiana's "catchall" rule permit us to recommend further research in this area.

Official prison discipline records do serve to illustrate the broad discretion inherent in the prison discipline process. Disposition data are particularly useful for this purpose. The discretion exercised by the prison discipline committee is, it appears, influenced by external considerations. Committee members seem, from the current study, to be responsive to both institutional realities and administrative policies.

Research which relies on official prison discipline records has been based on a number of unproven assumptions. Those studies which use official records to causally link prisoner behavior with environmental stress are weak at best. Those which attempt to link staff response to prison problems and policies via official records may be a bit stronger when specific "tickets" are used as the basis for analysis. Links sought in these records between officer discretion and prison events are also based on unproven assumptions, and need to be supplemented with other data collection methods. Studies of decision-making farther along in the discipline process may reliably use official records as a basis for analysis.

Whether one wishes to investigate prisoner behavior or staff response, official records should be utilized, but they should be used with caution and should constitute only one of many possible research tools.

NOTES

¹ Much of the research on crowded prisons has assumed that the causative link between crowding and aberrant behavior reported by Calhoun (1962) and others in animal studies could be, or in some cases had already been, established for humans. For an opposite view see Schaar, "Crowding: What's bad for rats may be OK for humans," APA Monitor, 6(1) 1975.

² Links between crowding and public health or sanitation cannot be addressed here. For a discussion of health considerations in crowded prisons see Walker and Gordon, 1980 "Health and High Density Confinement in Jails and Prisons." Federal Probation 44:53-58.

³ The varied definitions of crowding used in these studies is not an issue here, although these have also been mentioned in criticisms of this body of research. "Crowding" was associated with institutional capacity, housing unit capacity, and for some studies combinations of these were used.

⁴ Daily activity sheets were available for the last week of June 1980, and the figures suggest that the number of 158's in June equaled or possibly exceeded those in July. During that week there were 52 charges under this rule.

⁵ Indiana's revised penal code (1977) provided for longer average sentences than the previous code had, and prohibited use of probation in many cases. The changes have been credited with a major role in the state's prison crowding problem. See Clear et al. (1978).

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